

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, JULY 12, 2016 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Imam Vernon M. Fareed, Masjid William Salaam, followed by the Pledge of Allegiance.

Councilman Riddick notified Mayor Alexander that he was recovering from a medical procedure, that he was unable to attend city council meetings through the end of July 2016 and that he would participate in the meeting from Lake Taylor Transitional Care Hospital, 1309 Kempsville Road, Norfolk, Virginia.

The following members were present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Dr. Whibley, and Mr. Alexander.

President Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

INVITATION TO BID

IB-1

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a long term Garage Parking Agreement, with a term of approximately twenty (20) years, for four hundred (400) parking spaces in the Fountain Park Garage located at 130 Bank.

Thereupon, an Ordinance entitled, "An Ordinance accepting the bid submitted by City Walk One, LLC for a Long Term Garage Parking Agreement with a term of approximately twenty (20) years, with the option to extend the term for up to two (2) additional periods of five (5) years each, for the lease of 400 parking spaces in the Fountain Park Garage located at 130 Bank Street in the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

PUBLIC HEARING

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the sale to Virginia Natural Gas of a certain parcel of property measuring approximately 3,000 square feet in area, owned by the City of Norfolk and located south of **3488 Godwin Boulevard** in the City of Suffolk, for the sum of \$2,400.00.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the sale to Virginia Natural Gas of a certain parcel of property measuring approximately 3,000 square feet in area, owned by the City of Norfolk and located south of **3488 Godwin Boulevard** in the City of Suffolk, for the sum of \$2,400.00, and approving the Purchase and Sale Agreement,” was introduced in writing and read by its title.

Neil Kessler, 1001 Haxall Point Road, Richmond, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective August 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

REGULAR AGENDA

R-1

Matter of a letter from the City Manager and a Resolution entitled, “A Resolution approving the formation of legal entities by the Norfolk Redevelopment and Housing Authority to facilitate the renovation of the **Young Terrace and Diggs Town Communities**,” was introduced in writing and read by its title.

(NRHA has requested that this matter be continued to July 19, 2016)

ACTION: Continued to July 19, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of automobile storage yard known as ‘Aristocrat Towing’ on properties located at **1132 to 1138 Harmony Road**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Ya Ya Asian Gourmet House’ on property located at **109 College Place, Suite A**,” was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Shiptown Seafood Company’ on property located at **4314 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Wing Stop’ on property located at **7750 Tidewater Drive, Building 3, Unit 305,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an automobile and truck rental facility known as ‘Hertz’ on property located at **700 Monticello Avenue,**” was introduced in writing and read by its title.

Jeff Spivey, 920 Forest Lake Drive, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-7

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Orapax Inn’ on property located at **1300 Redgate Avenue,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-7A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit mixed uses on property located at **911 Orapax Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘Corks and Caps’ on property located at **240 East Main Street**,” was introduced in writing and read by its title.

Melanie Nusbaum, 340 Bay Dunes Drive, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance to revoke the permission granted to **Monticello Arcade Limited Partnership and Christopher Corrie D/B/A Chartreuse Bistro** to encroach into the right of way at **205 E. City Hall Avenue** for the purpose of outdoor dining and to terminate the Encroachment Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance amending Section 1 of Ordinance No. 46,336, entitled ‘An Ordinance approving a Lease Agreement with **Grace’s Tailor Shop, Inc.** for the lease of city owned property located at **130 Bank Street** SO AS TO correct the name of the Lessee on the said Lease,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a Grant Award of \$275,000.00 from the **Virginia Department of Behavioral Health and Development Services** for the Norfolk Community Services Board to assist individuals with developmental disabilities in gaining access to and maintaining tenancy in their own housing and appropriating and authorizing the expenditure of the grant funds to provide the assistance” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$6,237,603 in funding from the Commonwealth of Virginia for the Fiscal Year 2017 **Children’s Services Act for At-Risk Youth and Families Funds Pool (“CSA”) Services Program** and \$639,899 from the Virginia Department of Juvenile Justice in Support of the Fiscal Year 2017 Virginia Juvenile Community Crime Control Act (“VJCCCA”) Program, appropriating and authorizing the expenditure of the funds and appropriating and authorizing the expenditure of \$2,232,397 in local matching funds for CSA from the City through its Department of Human Services, and \$300,000 from the School Board of the City of Norfolk and \$639,899 of local matching funds for VJCCCA from the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting and appropriating the donation from the **Ghent Dog Park Association** of certain improvements to the Stockley Garden Dog Park, and authorizing the City Manager to enter into a Right of Entry and License Agreement with the Ghent Dog Park Association and its members, material suppliers and contracted service providers for work related to the dog park improvements,” was introduced in writing and read by its title.

Traci Lovelace, President of Dog Park Association, 250 Webster Avenue, Portsmouth, spoke in favor of this matter.

Adryan Clapp, 1300 Stockely Gardens, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-14

Letter from the City Manager and a Resolution entitled, “A Resolution approving the **Norfolk Community Services Board’s Performance Contract** with the Commonwealth for Fiscal Year 2017 renewable by mutual agreement for Fiscal Year 2018,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-15

Letter from the City Manager and a Resolution entitled, “A Resolution approving the exercise by the **Economic Development Authority of the City of Norfolk of Powers conferred by the Industrial Development and Revenue Bond Act** in connection with the authority’s issuance of a revenue and refunding bond in a principal amount not to exceed \$32,000,000, the proceeds of which will be loaned to Norfolk Academy (the ‘School’) to be used in financing a program of capital improvements at the School’s Campus at 1585 Wesleyan Drive, Norfolk, Virginia refunding certain prior bonds and paying certain costs” was introduced in writing and read by its title.

Kevin White, 1201 43rd Street, Richmond, was present to answer questions.

ACTION: The Resolution as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-16

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$16,784.09, plus interest to **Influence Hair Care, LLC** based upon the overpayment of its **Business Personal Property Tax for the years 2013 through 2015,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-17

Letter from the City Attorney requesting confirmation of the appointment of Michael A. Beverly to the position as a Deputy City Attorney I, effective August 9, 2016.

ACTION: Confirm appointment.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-18

Letter from the City Clerk requesting confirmation of the appointment of Adisa C. Muse to the position of Deputy City Clerk/Executive Assistant to the Mayor, effective July 1, 2016.

ACTION: Confirm appointment.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-19

A Resolution entitled, “A Resolution appointing or reappointing 6 persons to 1 Board, 2 Commissions for certain terms,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-20

An Ordinance entitled, “An Ordinance to schedule a City Council meeting on **Thursday, July 14, 2016, at 4:00 p.m.**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-21

An Ordinance entitled, “An Ordinance requesting the City Attorney to petition the Circuit Court to schedule a **Special Election on August 23, 2016** for the purpose of electing a council member from Ward 1 to fill the vacancy and serve the remaining term,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

NEW BUSINESS

1. Charlene Christopher, 200 Maryland Avenue, commented that the Southside Head Start Program is being evicted from its classroom at Oakmont North because of the rent increase and is in need of a new location.
2. Michael Wilson, 7731 Armfield Avenue, commented that the violence in our neighborhoods is like it was in the 1990's and that we need to improve on educating our police officers who interact with the citizens.
3. Ford Mason, 6612 Stoney Point North, President of Newtown South Civic League, stated that the neighborhood was not notified of the new apartment complex being developed.
4. Renee Losapio, 1013 Brandon Avenue, Bicycle and Pedestrian Trail Commission Chair, spoke about the commission's work and the need for adequate bike infrastructure throughout the city.
5. Daniele Anderson, 957 Duck Pond Drive, Virginia Beach, relayed questions she heard while at a Black Lives Matter Rally: all police officers need to have body cameras (when will that happen) and police officers body camera videos should be release to the public.
6. Joseph George, 1447 Westover Avenue, commented about a cost of living adjustment for retirees in the next budget and stated the city was in a downward trend regarding race relations.
7. Thomas Calhoun, 3620 Tidewater Drive, commented that we need to unify as a City and he would like to start a Diverse Caucus.
8. Danny Lee Ginn, 3844 Dare Circle, stated that the council needs to have transparency and called for a no confidence vote for Councilman Riddick.